

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FREDERICK G. DONNELLY,

Plaintiff,

-against-

RICKY L. SHERER,

Defendant.  
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**KATHARINE H. PARKER, United States Magistrate Judge:**

The Court construes the issue presented by the parties' recent letters (*see* ECF Nos. 78 & 79) as a motion by Defendant to reopen discovery for the limited purpose of serving surveillance videos conducted on Plaintiff. The standard for reopening discovery is set forth in Rule 16 of the Federal Rules of Civil Procedure. Accordingly, a discovery schedule may only be modified for "good cause" and with the consent of the Court. Fed. R. Civ. P. 16(b)(4). To determine whether good cause exists, courts in this circuit undertake a fact-intensive analysis and consider a wide variety of factors. *See Bakalar v. Vavra*, 851 F. Supp. 2d 489, 493 (S.D.N.Y. 2011); *Moroughan v. Cty. Of Suffolk*, 320 F. Supp. 3d 511, 516-26 (E.D.N.Y. 2018).

By **October 13, 2020** Defendant shall file a motion, citing relevant case law and other applicable authority, addressing why this Court should reopen discovery to admit the surveillance videos at issue. Plaintiff will have until **October 27, 2020** to file its opposition to Defendant's motion.

**USDC SDNY  
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**ORDER**

**19-CV-2121 (KHP)**

**SO ORDERED.**

DATED: New York, New York  
September 29, 2020



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KATHARINE H. PARKER  
United States Magistrate Judge